

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 843 of 1980

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

INDUSTRIES MACHINERY MFG.

Versus

JYOTI LTD.

Appearance:

No one has appeared on behalf of the appellant.

Mr.Sanjiv J.Trivedi for the respondent.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 21/07/2000

ORAL JUDGEMENT

1. This is a Defendant's Appeal against the judgment and decree passed in Civil Suit No.34/75 on 16.4.79 by the Civil Judge (S.D.), Baroda whereby the Plaintiff's Suit was decreed for a sum of Rs.13,150/- with running interest at the rate of 6% per annum from the date of the

Suit till realisation and the defendant was also required to pay to the plaintiff proportionate cost on the decretal amount of Rs.13,150/-.

2. This Appeal, as was filed by the appellant's counsel Mr.S.A.Shah was admitted by this Court on 14.8.1980. It appears that after the elevation of Mr.S.A.Shah as a Judge of this Court, the notice was given by the Registry to the appellant to engage any lawyer as is clearly made out from the noting on the Presentation Form made on 3.3.1983. The computerised Board shows that this notice was duly served upon the appellant. However, no one has appeared on behalf of the appellant while Mr.Sanjiv Trivedi is present on behalf of the respondent i.e. original plaintiff.

This Appeal is pending since 1980. It appears that the appellant has lost interest in this cause and is no more interested to prosecute this Appeal. In any case, this Appeal, which is pending since 1980, should not be allowed to pend any more, merely because no one has appeared on behalf of the appellant. This Appeal is, therefore, dismissed for default and non prosecution.

(M.R.Callan,J)